

111TH CONGRESS  
2D SESSION

# H. R. 5369

To amend the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 to exempt manufactured and modular housing retailers from the requirements of such Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2010

Mr. DONNELLY of Indiana (for himself and Mr. POSEY) introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To amend the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 to exempt manufactured and modular housing retailers from the requirements of such Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Manufactured Housing  
5 Licensing Clarification Act of 2010”.

6 **SEC. 2. EXEMPTION ESTABLISHED.**

7 (a) DEFINITION OF LOAN ORIGINATOR.—Section  
8 1503(3)(A) of the Secure and Fair Enforcement for Mort-

1 gage Licensing Act of 2008 (12 U.S.C. 5102(3)(A)) is  
2 amended—

3 (1) by striking “and” at the end of clause (iii);

4 (2) by striking the period at the end of clause  
5 (iv) and inserting “; and”; and

6 (3) by adding at the end the following new  
7 clause:

8 “(v) does not include an individual  
9 who performs manufactured or modular  
10 housing retail sales activities and is li-  
11 censed or registered as required by applica-  
12 ble State law, unless the individual is com-  
13 pensated by a lender, a mortgage broker,  
14 or other loan originator or by any agent of  
15 such lender, mortgage broker, or other  
16 loan originator.”.

17 (b) MANUFACTURED OR MODULAR HOUSING RETAIL  
18 SALES ACTIVITY DEFINED.—Section 1503(3) of the Se-  
19 cure and Fair Enforcement for Mortgage Licensing Act  
20 of 2008 (12 U.S.C. 5102(3)) is amended by adding at the  
21 end the following new subparagraph:

22 “(E) MANUFACTURED OR MODULAR HOUS-  
23 ING RETAIL SALES ACTIVITY.—The term ‘man-  
24 ufactured or modular housing retail sales activ-  
25 ity’ means any activity that involves offering or

1 providing manufactured housing or modular  
2 housing sales services to the public, including—

3 “(i) acting as a salesperson for a re-  
4 tailer, seller, lessor, or lessee of manufac-  
5 tured or modular housing;

6 “(ii) bringing together parties inter-  
7 ested in the sale, purchase, lease, rental, or  
8 exchange of manufactured or modular  
9 housing;

10 “(iii) negotiating, on behalf of any  
11 party, any portion of a contract relating to  
12 the sale, purchase, lease, rental, or ex-  
13 change of manufactured or modular homes  
14 (other than in connection with providing fi-  
15 nancing with respect to any such trans-  
16 action);

17 “(iv) closing or executing a retail in-  
18 stallment sales contract on behalf of a re-  
19 tail seller entity of a manufactured or mod-  
20 ular home to the extent that any transfer  
21 of funds for the purchase of the retail in-  
22 stallment sales contract are paid directly to  
23 the retail seller entity offering the home  
24 for sale and not to the individual closing or

executing the retail installment sales contract;

“(v) engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a manufactured or modular housing retailer or salesperson under any applicable law; and

“(vi) offering to engage in any activity, or act in any capacity, described in clause (i), (ii), (iii), (iv), or (v).”.

**SEC. 3. AMENDMENT TO STATE LAW LICENSING REQUIREMENTS.**

Section 1508(d) of the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (12 U.S.C. 1507(d)) is amended by adding at the end the following new paragraphs:

“(7) The State loan originator supervisory authority has created education and testing appropriate for personal property loan originators.

“(8) The State loan originator supervisory authority ensures that additional mortgage lending licensing is not mandated of a State-licensed personal property lender and has not created unnecessary, duplicative licensing requirements for State-licensed

1 lenders engaged solely in making residential mort-  
2 gage loans secured by personal property, such as  
3 manufactured homes.”.

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